

CLIFTON BUDD & DeMARIA, LLP
Attorneys for Defendants
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
ANGEL NACIPUCHA, individually and on	:
behalf of others similarly situated,	:
	:
Plaintiff,	:
	:
-against-	:
	:
VILLA BERULIA INC., (D/B/A VILLA	:
BERULIA), JOHN (A.K.A. JOHNNY)	:
BERULIA, IVAN IVANAC, JOHN IVANAC,	:
MARIJA (A.K.A MARIA) IVANAC,	:
ALEXSANDRA (A.K.A ALEXANDRA)	:
IVANAC,,	:
	:
Defendants.	:
-----X	

ANSWER

18-CV-2620(JGK)

JURY TRIAL DEMANDED

Defendants, by and through their counsel, Clifton Budd & DeMaria, LLP, hereby answer the enumerated paragraphs of the Complaint as follows:

1. Deny the following enumerated paragraphs of the Complaint: 1-9, 15, 17-34, 36-86.
2. Deny knowledge or information sufficient to form a belief as to the following enumerated paragraphs of the Complaint: 14.
3. Neither admit nor deny and refer legal conclusions to the Court for determination as to the following enumerated paragraphs of the Complaint: 10-13, 16, 35.

FIRST DEFENSE

5. Plaintiff fails to state a cause of action.

SECOND DEFENSE

6. Plaintiff's claims are barred to the extent Plaintiff seeks recovery for activities not compensable, including traveling to and from the actual place of performance of

the principal activities which Plaintiff is employed to perform, and activities which are preliminary and postliminary to said principal activities.

THIRD DEFENSE

7. Defendants are entitled to a set-off for all travel time and other monies paid to Plaintiff for any hours not worked.

FOURTH DEFENSE

8. Plaintiff is not entitled to any monetary payments beyond what Plaintiff has already been paid.

FIFTH DEFENSE

9. Any violation of the FLSA or New York Labor Law (and Defendants expressly deny any such violation) was inadvertent or the product of neglect, and was not willful.

SIXTH DEFENSE

10. Plaintiff's claims are barred, in whole or in part, by the doctrines of waiver, estoppel, laches and/or by applicable statutes of limitations.

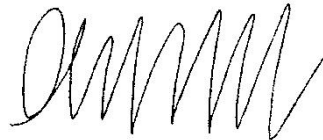
SEVENTH DEFENSE

11. The Individual Defendants are not "employers" under the FLSA or NYLL.

WHEREFORE, Defendants respectfully requests that the Complaint be dismissed with prejudice and with costs, and that this Court grant such other and further relief as the Court deems appropriate.

Dated: May 23, 2018
New York, New York

Respectfully submitted,
CLIFTON BUDD & DeMARIA, LLP
Attorneys for Defendants



By: _____
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